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2
3 UNITED STATES DISTRICT COURT
4 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
5

6 MARY GENTLESK,) CASE NO.
7 Plaintiff, }
8 v.) COMPLAINT
9 JOHN DOE, }
10 Defendant }
11

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13 The Plaintiff, Mary Gentlesk, (hereinafter "Plaintiff"), hereby sues Defendant John
14 Doe, and alleges as follows:

15 1 . Plaintiff is a citizen and resident of North Carolina who resides in Charlotte,
16 Mecklenburg County, North Carolina.

17 2 . Upon information and belief, Plaintiff alleges defendant John Doe is a citizen of
18 the State of Maryland. Plaintiff will amend this complaint once the true identity of
19 defendant John Doe is discovered. Plaintiff's investigation is still in progress.

20 3 . This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332 because
21 there is complete diversity of citizenship between the Plaintiff and Defendant
22 and the amount in controversy, exclusive of costs, exceeds the sum or value of
23 \$75,000.00.

24 4 . This Court has personal jurisdiction over the Defendant, and venue is proper in
25 the Western District of North Carolina pursuant to 28 U.S.C. §1391 because a
26 substantial part of the events giving rise to Plaintiff's claim occurred within this
27 district.

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2 **FACTUAL BACKGROUND**

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4 5 . Plaintiff is an owner and breeder of Rottweiler dogs. She is part owner of a
5 champion show dog, Burning des Princes d' Aragone, and has an exclusive
6 contract with the Plaintiff's co-owners to broker the sales of Burning des Princes
7 d' Aragone's semen to other breeders worldwide.

8 6 . Plaintiff and Burning des Princes d' Aragone are well known in the dog breeding
9 community, and especially in the breeding and showing of Rottweilers.

10 7 . Plaintiff's champion show dog competed in the 2011 International Federation of
11 Rottweilerfriends championship show, held in Spain. During the show, on April
12 28, 2012, Plaintiff received an e-mail whose sender was Defendant John Doe,
13 using e-mail account justiceforrotties@yahoo.com.

14 8 . The e-mail received by Plaintiff from the Defendant using e-mail address
15 justiceforrotties@yahoo.com included eighteen recipients. The text of
16 the April 28, 2012 message included the following false and defamatory
17 comments;

18 “Tomorrow afternoon the new/old IFR world winner male will be
19 announced, which is Burning des Princes d' Aragone!!! It is a shame
20 and disgrace for the breed that it is already agreed with the judges
21 much prior to the show”

22 9 . The April 28, 2012 e-mail also named the judges of the show by their full names,
23 then claimed,

24 “All of the mentioned above have received a payment in order for
25 Burning to win...”

26 10 . Other false and defamatory remarks made by the April 28, 2012 e-mail are;
27 “It is well known that Vlad Zec is ego maniac...” Vlad Zec is one of the
28 Plaintiff's co-owners of Burning des Princes d' Aragone.

11. These remarks are derogatory to the professional reputation of the Plaintiff's champion show dog as well as the Plaintiff's co-owners. Because the Plaintiff is well known in her profession of breeding this particular dog, and for co-owning and showing the dog, as well as her connections to the dog's co-owners, the e-mail's derogatory remarks have adversely effected the Plaintiff's professional reputation.

First Claim for Relief

Libel *Per Se*

12. The allegations of Paragraphs 1 – 11 are re-alleged and incorporated by reference.

13. The e-mail from justiceforrotties@yahoo.com on April 28, 2012, contained false and defamatory statements concerning the Plaintiff's champion show dog and the dog's co-owners.

14 . The false and defamatory statements were published directly to the Plaintiff
and seventeen other people. On information and belief Plaintiff alleges there are
additional e-mails to additional recipients that also contain false and defamatory
statements concerning the Plaintiff and her champion show dog and the dog's co-
owners.

15. The false and defamatory statements have been re-published by the recipients of the original e-mail. The re-publication of these false and defamatory statements was a foreseeable consequence and, therefore, was intentional.

16. The owner/user of e-mail address justiceforrotties@yahoo.com is responsible and liable for damages from the republication of their false and defamatory statements.

17. The false and defamatory statements were made in the absences of privilege or justification.

18. At the time of the E-Mail, the sender knew, or should have known, that the statements were false. The sender of the e-mail recklessly disregarded any information indicating that the statements were false or negligently failed to take reasonable steps to ascertain whether the statements were true or false.

19. The April 28, 2012 e-mail constitutes libel per se in that they impeach the Plaintiff's professional reputation.

20. The false and defamatory statements have caused and continue to cause
injury to the Plaintiff's professional reputation.

21. The defamatory statements have damaged and continue to cause direct financial damage to Plaintiff in the form of lost business and business opportunities.

22. In making these false and defamatory statements as described herein, Defendant John Doe acted with malice or engaged in willful or wanton conduct in that false and defamatory statements were made with either knowledge of their falsity or with reckless disregard for their untruth.

Second Claim for Relief
Libel Per Quod

1 23. The allegations of Paragraphs 1-22 are re-alleged and incorporated by
2 reference.

3 24. The e-mail from justiceforrotties@yahoo.com on April 28, 2012, contained
4 false and defamatory statements concerning the Plaintiff's champion show dog
5 and the dog's co-owners.

6 25. The false and defamatory statements were published directly to the Plaintiff
7 and seventeen other people. On information and belief Plaintiff alleges there are
8 additional e-mails to additional recipients that also contain false and defamatory
9 statements concerning the Plaintiff and her champion show dog and the dog's co-
10 owners.

11 26. The false and defamatory statements have been re-published by the
12 recipients of the original e-mail. The re-publication of these false and defamatory
13 statements was a foreseeable consequence and, therefore, was intentional.

14 27. The owner/user of e-mail address justiceforrotties@yahoo.com is
15 responsible and liable for damages from the republication of their false and
16 defamatory statements.

17 28. The false and defamatory statements were made in the absences of privilege
18 or justification.

19 29. At the time of the E-Mail, the sender knew, or should have known, that
20 the statements were false. The sender of the e-mail recklessly disregarded any
21 information indicating that the statements were false or negligently failed to take
22

1 reasonable steps to ascertain whether the statements were true or false.

2 30. The April 28, 2012 e-mail constitutes libel *per quod* in that they are
3 defamatory when considered in connection with innuendo, colloquium and the
4 circumstances in which they were made.
5

6 31. The false and defamatory statements have caused and continue to cause
7 injury to the Plaintiff's professional reputation.
8

9 32. The defamatory statements have damaged and continue to cause
10 direct financial damage to Plaintiff in the form of lost business and business
11 opportunities.
12

13 33. In making these false and defamatory statements as described herein,
14 Defendant John Doe acted with malice or engaged in willful or wanton conduct
15 in that false and defamatory statements were made with either knowledge of their
16 falsity or with reckless disregard for their untruth.
17

18 WHEREFORE, plaintiff respectfully pray the Court:

19 1 . That Plaintiff have and recover of the Defendant a monetary judgment for all
20 general damages suffered as a result of their libelous *per se* conduct;
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22 2 . That Plaintiff have and recover of the Defendant a monetary judgment for all
23 special damages suffered as a result of their libelous *per se* conduct;
24
25 3 . That Plaintiff have and recover of the Defendant a monetary judgment for all
26 general damages suffered as a result of their libelous *per quod* conduct;
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1 4 . That Plaintiff have and recover of the Defendant a monetary judgment for all
2 special damages suffered as a result of their libelous *per quod* conduct;

3 5 . That Plaintiff have and recover of the Defendant punitive damages for their
4 intentional, malicious, and willful and wanton conduct in such an amount as the
5 Court shall determine will properly punish the Defendant and deter them and
6 others similarly situated from engaging in like conduct;

7 6 . That Plaintiff have and recover of the Defendant reasonable attorney fees from
8 Defendant;

9 7 . That the costs of this action be taxed against the Defendant;

10 8 . That the Court award the Plaintiff such other and further relief as the Court shall
11 deem just and proper.

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16 Respectfully submitted, this 31 day of August, 2012.
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21 Mary Gentlesk, Plaintiff in Pro Per
22 4835 Ardenwoods Drive
23 Charlott, NC 28215
24 (512) 809-5039
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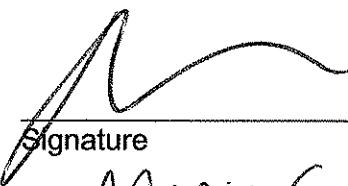
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

MARY GENTLESK
4835 ARDENWOODS DR.
CHARLOTTE, NC 28215

This the 31 day of AUGUST, 2012.


Signature

MARY GENTLESK
(Print Name)